

In the United States District Court
For the Western District of Pennsylvania

Ryan Kervin

: case #05-93 ERIE

:

vs.

: Magistrate Judge Susan Baxter

:

Ex. William McConnell

: District Judge Sean McLaughlin

Affidavit and
Motion for Entry of Default

Plaintiff hereby declares:

1. The above complaint was filed in this court on March 22, 2005
2. The court files and record herein show that the defendant was served by the United States Marshall with a copy of summons and a copy of plaintiff's complaint on April 21, 2005. (Exhibit A1; docket entry # 11)
3. The defendant was required to file an answer or responsive pleading by June 20, 2005. (Exhibit A; docket entry # 11)
4. However, the defendant instead filed for an extension of time on June 22, 2005 that the court granted on June 27, 2005 extending the answer deadline to July 19, 2005. (Exhibit B; docket entry # 15)

5. When on July 18, 2005 the defendant filed for another extension of time that the court granted on July 20, 2005 extending the answer deadline to August 18, 2005.
(Exhibit B ; docket entry #19)

6. Today, on August 2nd, 2005, ~~_____~~ ⁵ days after the answer deadline, excluding the date thereof, the defendant has failed to ~~_____~~ answer or otherwise defend as to plaintiff's complaint, or serve a copy of any answer or any defense which he might have had upon plaintiff.

7. The defendant is not in the military service and is not an infant or incompetant.

Wherefore, plaintiff respectfully requests that this honorable court enter default against the defendant for failing to answer or otherwise defend.

under penalty of perjury that
I hereby declare the foregoing is true and correct.

8/21/05

Ryan Kervin

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2 ORDER granting [1-1] motion to Proceed in Forma Pauperis, pltf shall authorize payment of init. filing fee of \$13.75 plus subsequent monthly payments by returning to Court 1 of 2 attached copies of Notice with the Auth. Section signed, or shall indicate intent to withdraw action by returning Notice with intent to withdraw action section signed, Parties have 10 days to file Appeal to District Judge. (signed by Magistrate Judge Susan P. Baxter on 4/5/05) CM all parties of record. (nk) (Entered: 04/06/2005)

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Certificate of Service

I hereby declare that I mailed a true and correct copy of the attached motion for an entry of default to the defendant's counsel at the following address:

Kenneth Alexander Mericki
Office of Attorney General
564 Forbes Ave.
Mason Complex
Pittsburgh, Pa. 15219

8/23/05

Ryan Kervin